

Doc. Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

KCX-663 (18809)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on November 16, 2006

Signature

Typed or printed name Pamela Knorr

Application Number

10/720,979

Filed

November 24, 2003

First Named Inventor

Paul A. Weber

Art Unit

3654

Examiner

Sang K. Kim

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 38,024

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34

Signature

Timothy A. Cassidy

Typed or printed name

864-271-1592

Telephone number

November 16, 2006

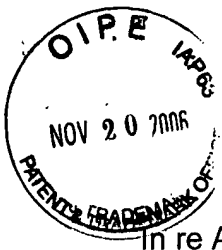
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



ATTORNEY DOCKET NO: KCX-663 (18809)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Weber et al.	) Examiner: Sang K. Kim
	)
Serial No: 10/720,979	) Art Unit: 3654
	)
Filed: November 24, 2003	) Confirmation No: 3395
	)
For: System and Process for Controlling the	) Deposit Account No: 04-1403
Deceleration and Acceleration Rates of	)
a Sheet Material in Forming Absorbent	) Customer No: 22827
Articles	)

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents and Trademarks  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In conjunction with the filing of a Notice of Appeal and with the filing of an Amendment After Final, Applicants respectfully request review of the basis of rejections of the pending claims.

In the Final Office Action, the claims were rejected to under 35 U.S.C. § 112. In response, Applicants have filed an Amendment After Final in conjunction with this Pre-Appeal Brief. In the Advisory Action dated September 5, 2006, it was indicated that the amendments to the claims would be entered if timely filed. Since the amendments are believed to overcome the objections under 35 U.S.C. § 112, Applicants respectfully request that the amendments be entered.

Currently, claims 45-78 remain pending in the present application, including independent claims 45 and 62. Independent claims 45 and 62 are both directed to a process for forming an absorbent article. Both claims include the steps of unwinding a roll of a first material at a determined rate for processing using an unwind device. The unwind device is in communication with a festoon. The festoon includes a plurality of rotatable guide rolls through which the first material is threaded. The festoon accumulates a determined length of the first material.

Both claims 45 and 62 also require the step of:

Decelerating certain of the guide rolls in the festoon with a drive device when the rate at which the roll of the first material is unwound decreases at the unwind device, the guide rolls being decelerated independent of each other.

In the Final Office Action, independent claims 45 and 62 were rejected as allegedly being obvious over Meyer in view of Coenen. In stark contrast to the currently pending claims, however, the guide rolls contained in the accumulator disclosed in Meyer and the guide rolls contained in the festoon disclosed in Coenen are not in any way decelerated with a drive device during operation of the accumulator or festoon.

Meyer, for instance, discloses an accumulator containing a row of spaced apart rollers on one swingable arm that cooperates with another row of rollers on another swingable arm. More particularly, the accumulator disclosed in Meyer includes an outfeed roller 36, an infeed roller 35, and rollers 70, 71, 72, 73, 78, 79, 80 and 81 positioned in between the outfeed roller and the infeed roller. As stated at the bottom of column 4, the outfeed roller 36 is journaled for rotation on an axle shaft 39 by means of two internal bearings 59 and 60. Similarly, infeed roller 35 is journaled for rotation on an axle shaft 40. As stated in column 5, at line 14, the remaining rollers 70-73 and 78-81 are also "freely rotatable on respective shafts". Thus, all of the rollers contained in the accumulator described in Meyer are freely rotatable on some type of axle or shaft and are all made from "a lightweight rigid material for the sake of minimizing inertia".

In the Advisory Action, however, the Examiner stated that:

Meyer teaches the rollers 35, 36 journaled for rotation on each axle shaft with bearings and at the end of each shaft, Meyer discloses a drive mechanism using chain loops 126, 115, 118 and pneumatic actuators 96, 97, which are connected to the shaft, see figures 4-5, and in column 5, lines 28-35 and column 7, lines 21-30. Thus, the rollers can decelerate with a drive device.

In response, the apparent discrepancy between the Examiner's opinion and Applicants' opinion regarding what Meyer teaches can be resolved by focusing on the differences in Meyer between the axle shafts and the infeed and outfeed rollers. For

instance, as shown in the figures, the axle shafts are labeled with character numerals 39 and 40. The outfeed roller, on the other hand, has character numeral 36, while the infeed roller has character numeral 35. The axle shafts are different components than the infeed and outfeed rollers on the accumulator.

As stated in column 5, the axle shafts 39 and 40 are connected to corresponding sprockets 46 and 47 which, in turn, are engaged by the chains. Thus, when the pneumatic actuators 96 and 97 are activated, the chains cause the sprockets and the axle shafts to rotate in order to swing or rotate the arms 37 and 38 of the accumulator as shown in Figures 2 and 3.

Although the chains and sprockets cause the axle shafts 39 and 40 to rotate, the chains and sprockets do not rotate the outfeed roller or the infeed roller and thus do not decelerate the rollers as asserted by the Examiner.

Instead, as stated at the bottom of column 4, the outfeed roller 36 is journaled for rotation on axle shaft 39 by two internal bearings. Similarly, as stated in column 5, the infeed roller is journaled for rotation on axle shaft 40. Thus, the outfeed roller and the infeed roller freely rotate on the axles and are not driven by the pneumatic actuators and the chains which are connected to the shafts.

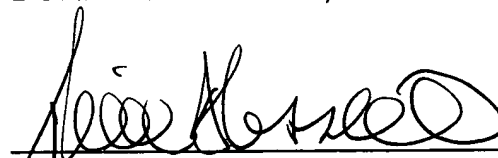
Consequently, Applicants submit that the claims patentably define over Meyer alone or in combination with Coenen.

Respectfully submitted,

DORITY & MANNING, P.A.

November 16, 2006

BY:



Timothy A. Cassidy  
Registration No. 38,024

P.O. Box 1449  
Greenville, SC 29602-1449  
(864) 271-1592  
(864) 233-7342